

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the Matter of:

Mary Ann Cucinella
System ID No. 0052917,

Enforcement Case No. 10-10954

Guardian Title,
System ID No. 0006396,

Enforcement Case No. 10-10953

Respondents.

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Issued and entered
on Sept 26, 2011
by Annette E. Flood
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. At all times relevant, Mary Ann Cucinella ("Respondent Cucinella"), System ID No. 0052917, was a licensed resident producer with qualification and authorization to transact business, selling, soliciting and/or negotiating title insurance in the state of Michigan since September 15, 1983.
2. At all times relevant, Guardian Title Company, Inc. ("Respondent Guardian"), System ID No. 0006396, was a licensed resident producer with qualification and authorization to transact business, selling, soliciting and/or negotiating title insurance in the state of Michigan since November 15, 1976.
3. On or about February 24, 2010, the Office of Financial and Insurance Regulation ("OFIR") received a complaint from N. T. Ms. T's complaint alleged that Respondents neglected to file her homestead exemption on July 20, 2004. The effect of this action caused Ms. T. to pay a non-homestead property tax rate for the years 2004-2009.
4. On or about February 24, 2010, written correspondence by OFIR's Consumer Services Division was sent to Respondents seeking information regarding the allegations. However, no response was received.

5. On or about March 18, 2010, written correspondence by OFIR's Consumer Services Division was again sent to Respondents. However, no response was received.
6. On or about April 24, 2010, OFIR's Consumer Services Division attempted to contact Respondents via telephone. However, no response was received.
7. On April 26, 2011, at the OFIR compliance conference, Respondent Cucinella surrendered her Resident Producer License, System ID No. 0052917.
8. Based on the lack of correspondence from Respondents in response to inquiries from the Consumer Services Division of OFIR, Respondents violated Section 249 of the code, which is grounds for levying civil fines under Section 150 of the code.

ORDER

Based on Respondents' stipulation to the findings of fact and conclusions of law above, it is hereby **ORDERED** that:

1. Respondents shall immediately cease and desist from operating in a manner that violates the Michigan Insurance Code, and Respondent Guardian shall immediately voluntarily surrender its resident insurance producer license.
2. Respondent Cucinella shall pay to the State of Michigan, through OFIR, a civil fine of **One Hundred Twenty Five and 00/100 Dollars (\$125.00)**. Respondent Cucinella shall pay this fine within 30 days of the invoice date indicated on the OFIR invoice.


Annette E. Flood
Chief Deputy Commissioner

STIPULATION

Respondents have read and understand the consent order above. Respondents agree that the Chief Deputy Commissioner has jurisdiction and authority to issue this consent order pursuant to the Insurance Code. Respondents waive their right to a hearing in this matter if this consent order is issued. Respondents understand that this stipulation and consent order will be presented to the Chief Deputy Commissioner for approval and the Chief Deputy Commissioner may or may not issue this consent order. Respondents waive any objection to the Commissioner deciding this case following a hearing in the event the consent order is not approved. Respondents admit the findings of fact and conclusions of law set forth in the above consent order and agree to the entry of this order. Respondents admit that both parties have complied

with the procedural requirements of the Michigan Administrative Procedures Act (MAPA) and the Michigan Insurance Code (Code). Respondents have had an opportunity to review the Stipulation and Consent Order and have the same reviewed by legal counsel.

1. It is further stipulated, by and between the parties hereto, that failure to pay the administrative and civil fines as set forth above within thirty (30) days of the date of the invoice shall result in a suspension or continued suspension of all license or registrations by Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation. In addition, if Respondents fail to comply with the terms of this Stipulation and Consent Order, then the Fine shall increase to \$250.00. Unless otherwise specified in this Stipulation, requirements imposed on the Respondents must be fulfilled in accordance with the terms of this Stipulation and Consent Order.
2. It is further stipulated, by and between the parties hereto, that failure to pay the administrative and civil fines as set forth above within (6) months of the invoice date shall result in a revocation or continued revocation of all licenses or registrations held by Respondents, or in the denial of any license or renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation.
3. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Code, the rules promulgated thereto, and the MAPA, to a hearing before an administrative law judge, at which the OFIR would be required to prove the charges set forth by presentation of evidence and legal authority and at which Respondents would be entitled to appear to cross-examine all witnesses presented by the OFIR and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.


Mary Ann Cucinella
Mary Ann Cucinella
Mary Ann Cucinella

Dated: 8-3-11

Mary Ann Cucinella
Mary Ann Cucinella
Guardian Title Agency, Inc.,
by its President

Dated: 8-3-11

The Office of Financial and Insurance Regulation staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above consent order.


Conrad Tatnall (P69785)

Attorney

Dated: 9/21/11